File No. PWD 15 BRA 67

MYSORE GOVERNMENT SECRETARIAT

Notes/Correspondence/Collection

Department PWD Section Special Irrigation

Subject :— Sharing of Krishna waters of appointment of tribunal for adjudication Meeting with leaders of opposition Parties.

Earlier Reterences :—

Later Refercnces :—

Irrigation

10/7/67

B14/67-68

(Classification A/B/C)

Notes pages 10

Correspondence Pages 75

For/Not for Section note Book

To be destroyed after

Under Secretary to Government.

M. G. S.

Subject: Sharing of Krishna waters — appointment of a Tribunal for adjudication etc

File No. WD 15 BRA 67

(3)

WD 01050—GPB—8,00,000 13-12-65

1) As desired by The JS. a draft Memorandum to be presented by Hon. MD's to the Prime Minister urging for the immediate appointment of a Tribunal for adjudication of water Disputes is placed below for perusal & appl.

DS

JS

Sec RW

RW

2) 16/7/67

N. CHANDRAPPA
Dy. Secy. to Govt. P.W.D. (Irrgn.)

3) 17/7

4) This was discussed with RW. It was agreed that this may be seen in some time.

Submitted for 17/7

17/7

P.S.O

Subject: Sharing of Krishna Water — appointment of Tribunal for adjudication etc. — File No. PWD 15 BRAG 67 — M. G. S.

1) Kindly see pages 1-4 ante. The Memorandum to be presented by MP's to the PM was delayed since we were just then contemplating review of the entire question in consultation with LD. This has already been done and GoI have already been addressed asking them to settle the matter within three months by appointment of Tribunal. Under the circumstances the Memorandum placed @ 1-3 may perhaps be allowed and sent to our MP's

Addl. Secy. PWD. No. 5159 Date 24/7

RECEIVED THE GOVERNMENT OF KARNATAKA 1798 27 JUL 1967

Secy. PWD. 25/7. Rec'd. No 3124. Date Spl Irrgn

JS 24/7

24/7

2) Chandappa 26/7

CHANDAPPA PATEL
Secy. P. W. & Elecy. Dept.

3) This memorandum may be sent to the Spl. commissioners. He will discuss with the MPs and hand this to them

V Gulati 27/7

Secy. (RUSE)

VEERENDRA PATIL,
Minister for Public...

4) Ch 28/7

5) 28/7

6) xxx 29/7

SECRETARY TO GOVERNMENT No... Date 28 JUL 1967 PUBLIC WORKS & EL. C. DEPT.

Pl. speak Secretary authorities 29/7

M. G. S.

Subject: Sharing of Krishna Waters appointment of Tribunal for adjudication etc.

File No. PWD 15 BRH 67

WD 01050—GPB—8,00,000 13-12-65

12) A draft is put up at page 4 of C.F. for perusal and approval.

31/7/67 1/8/67

DS / JS

13) 4/8

14) 2/8/67

N. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrn.)

Secy. PWD. Dated 2/8
PW S 5591

15) It is seen from the press reports that the TDPs have already met the PM and presented a Memorandum in this matter to her. As such there may be no need to send another memorandum again to the TDPs for being presented to the PM.

Secy. PWD. 2/8
PW S No 3326 Dated
Sgd Iyyan

OFFICE OF THE MINISTER FOR PUBLIC WORKS ☆ BANGALORE ☆ No. 1926

JS
Secy. PW. DE

4/8

16) 2/8

17) CC / 2/8

CHANDAPPA PATEL
Secy. P. W. &. Elecy. Dept.

TO GOVT. No ... 2 AUG 1967 PUBLIC WORKS & ELEC. DEPT.

18) V. Patil 3/8

Secy. (P.W&E)

(VEERENDRA PATIL);
Minister for Public Works

19) CC / 3/8

Sik

20) Record

4/8

Cons

(X)

Subject: Sharing of Krishna waters appointment of Tribunal for adjudication etc.

File No. PWD 15 BRA 67.

M. G. S.

Receipt No. 392/ID/Spl.67 from Spl. Commr. Mysore. New Delhi.

21) The Special Commr. Mysore, New Delhi has forwarded a Copy of Representation made by the Members of Parliament from Maharashtra and Mysore States addressed to the Prime Minister, and the same is placed at Pages from 5 to 7 of C.F. for favour of perusal.

Jt. Secy. PWD. No 5830 Date 14/8

9/8/67 10/8/67 DS / JS / for PW

22) 11/8

23) 12/8/67 M. CHANNAPPA. Dy. Secy. to Govt. P.W.D. (Irrgn.)

24) 16/8 Secy. PWD. 17/8 PWS No 3801 Date

25) 18/8

26) 18/8/67

6:K

(27) It was desired by the Minister for Public Works that a Meeting with all the leaders of the various opposition parties in the Assembly and Council be arranged in his Chambers on 2nd 6th December 1967 at 4 3-00 P.M. It was proposed to discuss the subject concerning the Krishna-Godawari waters with them, and that a brief Note indicating the developments be sent to all the opposition leaders for their information.

Secy. PWD. 23/11 PWS No 5213 Date

A Draft letter addressed to the opposition members at pages 16 2/8 (a) and a draft of the note is placed at Page..19-22.. for kind perusal & approval

DS / JS

30 Ch 20/11 29 100 22/11

CHANDAPPA PATEL Secy. P. W. & Elecy. Depts.

28) 22/11/67 M. CHANNAPPA. Dy. Secy. to Govt. P.W.D. (Irrgn.)

24/11

Minister P/WD

DS(Irvi) 31 (VEERA...) 23/11

OFFICE OF THE MINISTER FOR PUBLIC WORKS NO 2831 22 NOV 1967 BANGALORE.

(5

M. G. S.

Subject: Raising of Krishna water issue — appointment of Tribunal — meeting with the leaders of the opposition parties

File No. WD2/5 KRA 67

WD 01050—GPB—8,00,000 13-12-65

32) ~~25~~. A meeting on the sharing of the Krishna-Godavari waters is proposed to be held on 6.12.67 at 4.00 p.m. in the chambers of the Minister for P.W.D. Leaders of Opposition and the Secretary, Congress Legislature party, Speaker, Legislative Assembly, are invited to participate in the discussion. The Minister for Public Works kindly intimated that since legal aspects of the problem are likely to crop up during the meeting, the Advocate-General and the Law Secretary may be requested to attend the meeting. Hence a draft letter addressed to Advocate-General and the Law Secretary, placed at page 21 CF. may please be perused and approved.

23/11/67

(M. Channappa)
Deputy Secretary, PWD(I)

Jt. Secy. PWD. No 8118 Date 24/11

Secy. PWD. 24/11 No 5247 Date

33) A brief on the legal aspect of the problem has to be obtained from L.D. also.

Jt. Secy. PW&E.

Secy. PW&E.

24/11

PWS

CL
25/11

34) Hon'ble Minister may discuss with the Law Secy. & Addl. Advocate Gen. in the matter.

J.S. may pursue this case at his level. The facts of the case may be brought out in a note, and also the legal position

6)

Subject: Sharing of Krishna waters appointment of Tribunal for adjudication - Meeting with the leaders of opposition parties —

File No. PWD 15 BRA 67

M. G. S.

after consulting L.D.

V. Urgent

Ch
24/11/67

DS(O) XX

35) 30/4 31) Issue

27/11/67

5247

Issued
28/11/67.

37) Minister P.W.D desired to invite the three Chief Engineers namely CE (I) - North, CE (I) South and CE (Plg) to the meeting proposed to be held on 6/12/67 in the Chambers of the Minister P.W.D. Accordingly a draft letter addressed to the Chief Engineers placed at page 23/C for may please be perused.

Issue & put up
30/11/67

Jt Secy P.W.D)

30/11/67.

Returned to Secretariat as directed
30/11/67.

M. CHANNAPPA
Ds. Secy. to Govt. P.W.D. (Irrgn.)

38) 30/4

35) A detailed note as desired in para 34 is placed below at page 25/C which may please be perused.

Jt Secy P.W.D)

40) 2/12

30/11/67

M. CHANNAPPA
Ds. Secy. to Govt. P.W.D. (Irrgn.)

Secy. PWD. 2/12
PWS No 5432 Date

Secy PWD

Dear Sir,

I contacted the Minister today over phone at 8.40 a.m. and told him that Shri. Sivappa, Leader of the Opposition desired that Shri. Gopala Gowda, MLA, be also invited for the talks on Sharing of ~~K~~ K-G Waters on 6.12.67. Minister was pleased to say that Shri. Gopala Gowda be also invited. Thereafter, I contacted Secy.PW&E. He desires that you may send a phonogram immediately to Shri. Gopala Gowda to attend the talks.

With regards,

Yours sincerely

3.12.67

Shri M Channappa,
Dy Secy to GOD (Irrgn.)

MINISTER PUBLIC WORKS DESIRES.
THAT YOU KINDLY ATTEND DISCUSSION ON K.G WATERS
IN HIS CHAMBERS VIDHANA SOUDHA
AT FOUR P.M. ON ~~THE~~ WEDNESDAY
SIXTH INSTANT

Conveyed by phonogram
at 10-15 AM
3/12/67

S. GOPALA GOWDA MLA
ARAGA POST
TIRTHALLI TALUK
SHIMOGA DISTRICT

Letter addressed to Sri. Gopala Gowda MLA
issued —

M. G. S.

Subject: Raising of Kashmir question / Appointment of Tribunal for adjudication — Meeting with leaders of Opposition Parties —

File No. PMS/15(BAA)67(7)

WD 01050—GPB—8,00,000 13-12-65

(4) A few copies of the note now prepared may be taken out, so that it could be available at the time of discussion by our Minister with the Opposition leaders

A.S. will be in Delhi on 6.12.67 in connection with a meeting with the Secretaries Committee of the Cabinet. Before the meeting A.S. may like to have a word with the Minister of L. & J. so that all arrangements for the smooth conduct of the meeting are made. All arrangements should be made in advance.

Chandra
3/12(6)

V. Urgent.

~~J. S.~~
~~DS(P)~~

For Kees Journal
vide Page 51 ante.

Minister(Defence)

Seen by me M/Def & Secy

3.12.67

Dy Sec (WD) (Imp.)

Subject: SHARING OF KRISHNA WATERS - APPOINTMENT OF TRIBUNAL FOR ADJUDICATION - MEETING WITH THE LEADERS OF OPPOSITION PARTIES. *File No.* PWD 15 BRA 67 M C S

(42) In the Meeting held on 6-12-1967, the entire developments that have ~~been~~ taken place after August 2nd, 1967 ~~have~~ have explained by the Minister for Public Works. After detailed discussions it was desired by the Minister for Public Works that the Law Department and the Advocate General should examine further the following issues:-

(1) Whether any riparian rights would be created by the utilisation of extra waters by the Andhra Pradesh due to the erection of crest-gates on Nagarjunasagar Project. and the period of utilisation of waters for the creation of such rights.

(2) The implications ~~and~~ the procedures involved in the filing of a Writ of Mandamus in an appropriate Court seeking the appointment of a Tribunal by the Govt. of India in the matter of Krishna-Godavari water dispute.

(43) It was intimated by the Secretary, P.W.D. that the Minister for Public Works desires to hold another Meeting with the opposition leaders on 22nd December 1967 in continuation of the previous Meeting and that the ~~t~~ opinion of the Law Dept. on the above issues (which were also discussed in the Meeting held on 6-12-1967) be urgently got prepared so that they may be discussed in the Meeting on 22nd December 1967.

DS
for PW
for LD

45) Ch 16/12

46) 16.12.

44) 16/12/67
M. CHANNAPPA.
Jt. Secy. to Govt. P.W.D. (Irrgn.)

16/12

R1108/67
16 DEC 1967

47) Kindly see Pages 64 and 65 C/F. Shri. Arakere, M.L.A., has represented to the Speaker of the Legislative Assembly, that he ~~was~~ is the leader of the Republican Party of India, and should have been invited as a Leader of the Republican Party of India along with other opposition leaders when the meeting of the opposition leaders was called for

WD 01050—GPB—5,00,000 13-12-65

OFFICE OF THE CHIEF FOR PUBLIC WORKS
No. 3183
Date 16 DEC 1967
BANGALORE.

by the Chief Minister and by the Minister for Public Works. The Chief Secretary has ordered thereon ~~that~~ " the Secretary, Public Works Department may send the list furnished by the Secretary, Legislature, in this connection". For the meeting of the opposition leaders convened by the Minister for Public Works on 6th December 1967 a list of the opposition leaders as invited by the Chief Minister, recently for a meeting convened by him, was obtained personally by the section and with the approval of Minister for Public Works the invitation for the meeting was issued. The copy of this may please be seen at Page 19 C/F. It is for the consideration of the Minister for Public Works if Shri. Arakere, M.L.A. leader of the Republican Party of India in Mysore Assembly is ~~also~~ to be invited for the next meeting of opposition leaders to be convened in the Chambers of the Minister for Public Works on 22nd December 1967.

48) It was intimated by the Secretary, Public Works Department that a notice calling for a meeting of the opposition leaders on 22nd December, 1967 at 4 P.M. in the Chambers of the Minister for Public Works be issued. Since the invitations of the previous meeting have been issued from the Minister for Public Works, it may be desirable if the invitation for this meeting is also issued from the Hon'ble Minister for Public Works.

49) A draft letter is placed at Page 66 C/F. for approval.

(S.K.MOHAN),
Under Secretary to Government,
P.W.D.(Technical).

DST

Secy P.WD

Min P.WD

50) M. CHANNAPPA 16/12/67
for Secy to Govt. P.W.D. (Tech.)

51)

52) 16/12.

53)

Issued 18/12/67

18/12/67

10)

Subject: Sharing of Krishna waters — appointment of Tribunal for adjudication — Meeting with leaders of opposition Parties.

File No. PWD 15 BRA 67 M. G. S.

54) A letter addressed to all concerned, who attended the meeting on 6th inst. is dictated in view as per instructions of Shri PW conveyed by his PA. Sri. Ramamurthy.

4
19/XII

55) The meeting was held on 22.12.67. The file is retd herewith.

22.12.67

Dy Secy PWD (Irrgn.)

56) 26/12/67

2. SLT)

57) This paras 47-52 ante may kindly be perused with reference to the orders of the Chief Secy. at p. 64. c.

DS

for PW

Chief Secy

Secy. PWD. 27/12
PWS No 5892 Date DS(T)

SECRETARY TO GOVERNMENT
30 DEC 1967
PUBLIC WORKS & EL. DEPT.

4
26/12

58) 27/12/67

M. CHANNAPPA
Secy. to Govt. P.W.D. (Irrgn.)

59) Ch
25/12

CHANDAPPA PATEL
Secy. P. W. & Elecy. Dept.

U.O. 10584
29/12/67

60) Seen & noted — Thanks

29/12/67

Secy PWD) 61) Ch

K. NARAYANASWAMY.

62) 30/12

M. G. S.

Subject: Sharing of Customs revenue — Appointment of Tribunal — Meeting with Opposition Leaders —

File No. PS2015/BRA/67

WD 01050—GPB—8,00,000 13-12-65

(1)

No dep draft
12/11

It is for orders whether this file may be closed and recorded as since no action is called for.
C/S
12/11/68.

This will be Closed & recorded as after Tribunal.
12/11

12/11

12/11

In 1951, the Planning Commission convened an inter-state Conference of States for selecting Projects to the First Five Year Plan in the Krishna and Godavari Basins. A Memorandum of allocations of water was issued by the Planning Com. These allocations made therein to Mysore State were in-equitable and the Memorandum was not ratified by Mysore State.

2) After the States Re-organisation in 1956 an attempt was made by the Central Water and Power Commission for readjustment of the 1951 allocation of waters on the basis of the altered geographical boundaries. An Inter-state Conference was held in this regard in September 1960 under the Ministry of Irrigation & Power. No Agreement could be reached and it was contended by all States except Andhra Pradesh that the 1951 allocations were inequitable and denovo allocations on equitable principles should be immediately made.

3) In May 1961, the Govt.of India appointed a Technical Commission, Viz., Gulhati Commission to report on the availability of Waters and the requirements of the various States from the Krishna and Godavari rivers. Based on the report of this Commission, the Union Minister for Irrigation and Power announced in Lok-Sabha on 23rd March 1963 that during the Third, Fourth and Fifth Five Year Plans, i.e., up to 1976, the requirements of Krishna waters was 600 T.M.Cft. in Mysore, 400 T.M.Cft. in Maharashtra and 800 T.M.Cft. in Andhra Pradesh. These interim allocations made were absolutely inadequate for the requirements of Mysore State and it has been contended by the Govt.of Mysore that it should be increased.

p.t.o.

4) In June 1966, a Meeting of the Union Minister for Irrigation and Power and the Chief Minister of ~~the State~~ Mysore was held at Bangalore, to discuss the question of sharing of the Krishna water and it was assured by the Union Minister for Irrigation and Power ~~for the~~ that the same would be solved very early.

5) In January 1962, the Govt. of Mysore urged the Govt. of India that this matter be ~~re~~referred to a Tribunal for adjudication under the Inter-state Waters Disputes Act 1956. But this request of the State Govt. has not been acted upon, on the plea that such a reference to a Tribunal can be made only when the Govt. of India comes to the conclusion that this problem could not be solved by mutual discussions. Even though more than five years have lapsed since this Govt. sought for the appointment of a Tribunal, the problem has not been solved yet. ~~It has been observed that a number of Projects have been approved by the Govt. of India and it has also been observed that the taking up of Nagarjunasagar Project Stage-II is also being accepted under the cloak providing of spillway gates to the Nagarjunasagar Project Stage-I. Unless the main issue of sharing of Krishna and Godavari waters is settled, these recent developments may eventually create vested interests by way of prescriptive rights and the State of Mysore would be left as it stands to-day.~~

6) The utilisation of the Krishna waters is required essentially for the development of the vast scarcity affected areas in Mysore State . It is therefore strongly urged by us, the Members of the Parliament, ~~on you, Prime Minister, of India~~ that immediate action be taken for the appointment of a Tribunal under the Inter-State Water Dispute Act, 1956 for the adjudication of the Krishna and Godavari waters.

Memorandum on the early settlement of Krishna - Godavari water dispute

In 1951, the Planning Commission convened an Inter-State Conference of States for selecting projects to the First Five Year Plan in the Krishna and Godavari Basins. A Memorandum of allocations of water was issued by the Planning Commission. The allocations made therein for Mysore State were inequitable and this Memorandum was not ratified by the Mysore State.

2. After the States Re=organisation in 1956 an attempt was made by the Central Water and Power Commission for readjustment of the 1951 allocation of waters on the basis of the altered geographical boundaries. An Inter-State Conference was held in this regard in September 1960 under the Ministry of Irrigation and Power. No agreement could be reached and it was contended by all States except Andhra Pradesh that the 1951 allocations were inequitable and denovo allocations on equitable principles should be immediately made.

3. In May 1961, the Government of India appointed a Technical Commission, viz., Gulhati Commission to report on the availability of Waters and the requirements of the various States from the Krishna and Godavari rivers. Based on the report of this Commission, the Union Minister for Irrigation and Power announced in Lok-Sabha on 23rd March 1963 that during the Third, Fourth and Fifth Five Year Plans, i.e., up to 1976, the requirements of Krishna waters was 600 T.M.C.ft. in Mysore, 400 T.M.Cft. in Maharashtra and 800 TMC.ft. in Andhra Pradesh. These interim allocations made were absolutely inadequate for the requirements of Mysore State and it has been contended by the Government of Mysore that it should be increased.

4. In June 1966, a Meeting of the Union Minister for Irrigation and Power and the Chief Minister of Mysore was held at Bangalore, to discuss the question of sharing of the Krishna waters and it was assured by the Union Minister for Irrigation and Power that the same would be solved very early.

5. In January 1962, the Government of Mysore urged the Government of India that this matter be referred to a Tribunal for adjudication under the Inter-State Waters Disputes Act 1956. But this request of the State Government has not been acted upon, on the plea that such a reference to a Tribunal can be made only when the Government of India comes to the conclusion that this problem could not be solved by mutual discussions. Even though more than five years have lapsed since this Government sought for the appointment of a Tribunal, the problem has not been solved yet.

6. It is observed that taking up of Nagarjunasagar Project Stage II is being actively worked up by the Ministry of Irrigation and Power under the cloak of providing spillway gates to Nagarjunasagar Project Stage I. This is clearly against the declared verdict of the Government of India that Nagarjunasagar Stage II would be considered for clearance only after the diversion of Godavari waters into the Krishna basin is finalised. It is also seen that this work of investigation of diversion of Godavari waters to Krishna basin is going on very slowly and there appears to be no immediate prospects of finalising the issue.

It is apprehended that the Government of India may accept the installation of the spillway gates to the Nagarjunasagar Stage I. Unless the main issue of sharing Krishna and Godavari waters is settled the recent developments may eventually create vested interests by way of prescriptive rights and the State of Mysore would be left to loose permanently its

its legitimate share of water which is needed for the chronically affected area.

8. The utilisation of the Krishna waters is required essentially for the development of the vast scarcity affected areas in Mysore State. It is therefore strongly urged by us, the Members of the Parliament, that immediate action be taken for the appointment of a Tribunal under the Inter-State Water Disputes Act 1956 for the adjudication of Krishna and Godavari waters. despite

17/7

Draft.

No.PWD 15 BRA 67

To,
The Special Commissioner-Mysore,
'Mysore House' Kautilya Marg Chanakyapuri,
New-Delhi.21.

Sir,

Subject.- Memorandum on the early settlement of Krishna Godavari waters Dispute - Distribution amongst the M.P.s -requested

---

I am directed to forward herewith 30(thirty) copies of Memorandum to be presented by M.Ps of this State to the Prime Minister urging upon the Union Govt., for the immediate appointment of a tribunal for adjudication of Krishna Godavari waters dispute and to request you to discuss this matter with the M.P.s of Mysore State and hand over a copy of the Memorandum to each of them.

Action taken in this behalf may please be intimated early.

Yours faithfully,

U.S.to Govt.
P.W.D.(T)

Copy to the P.S. to the Minister for P.W.and Power along with a copy of memorandum for his information.

Mysore Government Secretariat | File No. of 196 . [App. F. III 2

Serial No.

OFFICE OF THE SPECIAL COMMISSIONER
MYSORE, NEW DELHI

A copy of representation made by Members of Parliament from Maharashtra and Mysore States addressed to the Prime Minister is enclosed for your kind information.

P 5-8-67

(B. K. VERMA 3/8
Special Commissioner, Mysore
New Delhi.

Minister for Public Works Department
Dt. 3.8.1967
No. SCM/328/970/67, Dt. 3.8.67.

V. Patil 5/8.

Secy P.WD) VEERENDRA PATIL
Minister for Public Works

OFFICE OF THE MINISTER FOR PUBLIC WORKS
NO. P 11067
5 AUG 1967
BANGALORE

Secy. PWD. 7/8
No 8614 Date

Jt. Secy. PWD.
No 5722 Date 8/8/67

DS(P) 7/8
US(T) 8/8

PWD (Spl. Irrgn).
No 392 Date 9-8-67

9/8

Note.—Contn. Sheet

MEMBER OF PARLIAMENT
(LOK SABHA)

सत्यमेव जयते

To

The Prime Minister,
Government of India,
New Delhi.

Madam,

We, the Members of Parliament, representing Maharashtra and Mysore beg to submit our representation for your kind consideration and speedy action.

You are aware of the controversies prevailing between Maharashtra and Mysore on one side and Andhra Pradesh on the other, over the sharing of 'Waters of Krishna Basin'.

This river Krishna takes its origin in Maharashtra and flows in Mysore and Andhra and ultimately discharges itself in the Bay of Bengal. The major supply of water to this river comes from Maharashtra and Mysore and it is but right that both these States should have their legitimate share of water from this Krishna basin. It is the established practice, when different States are concerned with the right of using water that no State should proceed with the projects unless a settlement is reached between them, for the allocation of water to the respective States. But in this case, the Andhra Pradesh proceeded with its projects unilaterally inspite of the repeated protests since 1961 from both Mysore and Maharashtra Governments.

The State of Andhra Pradesh undertook the execution of Nagarjunasagar Project on the plea, that she would proceed with the Ist stage of the project and the remaining two stages would be proceeded only after an agreement about equitable and reasonable distribution of Krishna water is reached between the concerned States. But inspite of this assurance, it is regrettable to note that Andhra Pradesh is going ahead with the implementation of the IInd Stage.

And again the Ayacut to be taken into consideration for determining the shares of water, must lie in the concerned basin. But it is unfortunate that the Andhra Pradesh has been trying to include in its Ayacut areas lying outside the basin, just to exaggerate their claim for waters. The Government of Mysore and Maharashtra have repeatedly urged on the Central Government that the IInd Stage of Nagarjunasagar Project should not be proceeded with and an 'Impartial

....2

MEMBER OF PARLIAMENT
(LOK SABHA)

सत्यमेव जयते

Tribunal should be appointed to settle the dispute. But it is unfortunate that the Minister for Irrigation and Power Dr.K.L.Rao has not taken any final decision while Andhra Pradesh is going ahead with further implementation of IInd Stage of Nagarjunasagar Project. We do appreciate the situation in which Dr.K.L.Rao has been placed. He comes from Andhra Pradesh elected unopposed and whenever there is controversy between two States it is always desirable and in the interest of justice and in his own interest that the matter is considered and decided by a gentleman who is unconnected with any of the contending States. This will avoid embarrassment to him.

So we submit respectfully that the controversy connected with Krishna waters may be dealt with and decided either by yourself or Dy.Prime Minister with a view to ensure justice to all the States and pending this, you may be pleased to issue instructions not to proceed with the IInd Stage of Nagarjunasagar and take necessary steps to appoint independent tribunal to settle the claims of concerned States. Otherwise there will be great reaction and each State will be constrained to adopt its own line of action, for safeguarding their interests.

Since Maharashtra and Mysore Governments are thinking of taking recourse to legal remedies, we earnestly appeal to your good-self to look into this matter, and take suitable steps immediately.

Thanking you, we the Members of Parliament of Maharashtra and Mysore,

Yours faithfully,

P 491

LOK SABHA

List of Questions for ORAL ANSWERS

Thursday, August 3, 1967/Sravana 12, 1889 (Saka)

(Ministries of Finance; Health and Family Planning; Irrigation and Power; Works, Housing and Supply; Planning Commission; Petroleum and Chemicals; Social Welfare)

Total number of Questions—30

†1557. **Shri Kanwar Lal Gupta:**

Will the Minister of **Social Welfare** be pleased to state:

(a) whether Government have received any complaints that people still observe untouchability in certain parts of the country; and

(b) if so, the action taken against such people?

M/s. Amin Chand Pyarelal Group of Firms

*1558. **Shri Madhu Limaye:**
Dr. Ram Manohar Lohia:
Shri S. M. Banerjee:
Shri Ram Sewak Yadav:
Shri George Fernandes:

Will the Minister of **Finance** be pleased to refer to the reply given to Starred Question No. 76 on the 3rd November, 1966 and state:

(a) whether the penalty imposed on M/s. Aminchand Pyarelal for importing steel after the expiry of the import licences and for presenting forged cross border certificates has since been recovered; and

(b) whether the firm exercised the option given to it to redeem the goods for home consumption?

Fabrication of Fertilizer Plants

*1559. **Shri R. Barua:**
Shri D. N. Patodia:
Shri D. C. Sharma:
Shri Kameshwar Singh:
Shri A. Sreedharan:

Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) whether it is a fact that the country is likely to be in a position to fabricate her plants for production of fertilizers within 4-5 years time;

(b) if so, whether Government propose to revise its policy on fertilizers

†Original notice of the question received in Hindi.

and stop further erection of new plants with foreign assistance and expedite the process of fabrication of plants in India; and

(c) the economy of postponing further erection under foreign assistance and importing additional quantity for the next 3-4 years?

Non-Project Loan

*1560. **Shrimati Tarkeshwari Sinha:**

Will the Minister of **Finance** be pleased to state:

(a) whether the details of the non-project loan have been finalised; and

(b) if so, whether Government can give any indication of the priority industries to be supplied with this non-project aid?

Revision of Lists of Scheduled Castes and Scheduled Tribes

*1561. **Shri Vishwa Nath Pandey:**
Shri Dhuleshwar Meena:
Shri Ramachandra Ulaka:
Shri Heerji Bhai:
Shri K. Pradhani:
Shri Deorao Patil:
Shri K. P. Singh Deo:
Shri D. N. Deb:
Shri Siddayya:
Shri M. L. Sondhi:

Will the Minister of **Social Welfare** be pleased to refer to the reply given to Unstarred Question No. 455 on the 25th May, 1967 and state:

(a) whether Government have since finalised the revision of the lists of Scheduled Castes and Scheduled Tribes; and

(b) if so, the result thereof?

Rate of Interest for Industrial and Agricultural Credits

*1562. **Shri Sidheshwar Prasad:**

Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that interest rates for credits made available for industrial and agricultural purposes are different;

(b) if so, what is the difference; and

(c) the reasons therefor?

House Collapse in Daryaganj, Delhi

†*1563. **Shri Ram Singh Ayarwal:**
Shri O. P. Tyagi:
Shri Ram Gopal Shalwale:
Shri Hukam Chand Kachwai:
Shri Arjun Singh Bhadoria:
Shri Madhu Limaye:

Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that one person was killed and three others in-

†Original notice of the question received in Hindi.

jured in a house collapse in Daryaganj, Delhi on the 4th July, 1967;

(b) if so, whether Government have conducted any survey regarding such dilapidated houses in Delhi; and

(c) the action taken in this regard?

National Income during 1966-67

*1564. **Shri S. S. Kothari:**
Shri Yajna Datt Sharma:
Shri P. N. Solanki:

Will the Minister of **Planning** be pleased to state:

(a) the estimates of National Income for the 1966-67;

(b) whether the national income for the said year has shown a decline over the figures of the previous year;

(c) if so, in what sectors of the economy; and

(d) the steps Government propose to take to ensure improvement?

Freight Rates for U.S. Flag Vessels

*1565. **Shri E. K. Nayanar:**

Will the Minister of **Finance** be pleased to state:

(a) whether there is an agreement with U.S.A. that half of the foodgrains under P.L. 480 would be carried in U.S. flag vessels;

(b) if so, the reasons which led to the Government of India to accept such an agreement;

(c) whether the freight rates for U.S. flag vessels were higher than the freight rates for non-U.S. flag vessels; and

(d) if so, the difference between the two?

Stoppage of Payments by Banks and other Establishments in Pakistan to Indian Nationals

*1566. **Shri Bal Raj Madhok:**
Shri S. S. Kothari:
Shri R. S. Vidyarthi:
Shri Bharat Singh Chauhan:

Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that banks, commercial and industrial establishments in Pakistan have stopped making all payments to Indian nationals and concerns irrespective of valid commitments of long standing under orders of the Pakistan Government;

(b) if so, whether the matter has been taken up with the Pakistan Government; and

(c) if so, with what results?

Acquisition of Foreign Oil Companies

*1567. **Shri Baburao Patel:**

Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) whether Government propose to acquire foreign oil companies in India like ESSO, Burma Shell and nationalize them in the near future;

(b) whether it is a fact that the Indo-Burma Petrol Co. has been purchased by some Indian firm;

(c) if so, the name of the firm, the price paid and the manner in which this money was paid;

(d) whether Government have decided to encourage the private sector to acquire oil interests; and

(e) if not, their reaction to the Indo-Burma Petrol deal?

Foreign Banks

*1568. **Shri C. C. Desai:**
Shri R. K. Amin:
Shrimati Shakuntala Nayar:

Will the Minister of **Finance** be pleased to state:

(a) whether complaints have reached him or the Reserve Bank of India, directly or indirectly, officially or unofficially, about the misbehaviour of foreign banks operating in the country with particular reference to misappropriation of foreign exchange, which the country is legitimately entitled to;

(b) the action taken on these complaints either by the Reserve Bank or by the Central Government; and

(c) whether any cases of misappropriation or misbehaviour have been found or suspected and what Government propose to do to plug these leakages and to enforce discipline on these foreign banks?

Complaints against officers of Punjab National Bank

†*1569. **Shri Hukam Chand Kachwai:**
Shri O. P. Tyagi:
Shri Ram Gopal Shalwale:
Shri Ram Singh Ayarwal:

Will the Minister of **Finance** be pleased to refer to the reply given to Starred Question No. 381 on the 8th June, 1967 and state:

(a) the progress since made in the inquiry being conducted into complaints against the officers of the Punjab National Bank; and

(b) the time by which the inquiry is likely to be completed?

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†Original notice of the question received in Hindi.

Arbitration to decide Payment of increased Royalty on Petroleum

*1570. A. K. Gopalan:
Shri Jyotirmoy Basu:
Shri Viswanatha Menon:
Shri K. Ramani:
Shri Bhagabandas:
Shri E. K. Nayanar:
Shri R. Barua:
Shri Raghuvir Singh Shastri:
Shri Dhireshwar Kalita:
Shri M. Meghachandra:

Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) whether it is a fact that Government have agreed to refer for arbitration the demand of Assam and Gujarat Governments for more royalty on petroleum crude payable by Oil industry in the public sector;

(b) if so, the terms of reference thereof; and

(c) the name of the arbitrator and the time given to the arbitrator for submitting the award?

Fertilizer Factory Based on Liquid Ammonia

†*1571. Shri Ram Avtar Sharma:
Shri Atam Das:
Shri Raghuvir Singh Shastri:
Shri Y. S. Kushwah:
Shri Prakash Vir Shastri:
Shri Shiv Kumar Shastri:
Dr. Surya Prakash Puri:
Shri Marandi:
Shri Jyotirmoy Basu:
Shri E. K. Nayanar:
Shri K. Ramani:
Shri Mohammad Ismail:
Shri P. Gopalan:
Shri Satya Narain Singh:
Shri C. K. Chakrapani:
Shri Umanath:
Shri Kameshwar Singh:
Shri A. Sreedharan:

Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) whether it is a fact that Government have sanctioned a scheme for setting up a fertilizer plant based on imported liquid ammonia contrary to their declared policy;

(b) if so, the reasons for this deviation from the normal policy; and

(c) the amount of foreign exchange to be spent on the import of liquid ammonia every year?

Recession in Maharashtra State

*1572. Shri Rane:

Will the Minister of **Finance** be pleased to state:

(a) whether there has been an acute recession in the Maharashtra State;

(b) if so, the measures which Government propose to take to arrest it;

(c) whether the Maharashtra Government and the Chambers of Commerce in Maharashtra have made representation in this regard;

(d) the main reasons for this acute recession in the Maharashtra State; and

(e) whether other States are affected by this recession?

†Original notice of the question received in Hindi.

Promotions in Post-Graduate Medical Institute, Chandigarh

*1573. **Shri Hardayal Devgun:**
Shri Yajna Datt Sharma:
Shri Bal Raj Madhok:
Shri Onkar Lal Berwa:

Will the Minister of **Health and Family Planning** be pleased to state:

(a) whether it is a fact that 26 Lecturers and senior Lecturers of the Post-Graduate Medical Institute, Chandigarh were over-night promoted as Assistant Professors by the Chief Commissioner, Chandigarh during the transitional phase of re-organisation of the erstwhile Punjab after the 1st November, 1966;

(b) whether it is also a fact that some of these promoted persons had earlier been rejected by the erstwhile Punjab Government; and

(c) if so, the reasons for these promotions and whether this irregularity has so far not been remedied?

States Share in Collection of Central Excise Duty

*1574. **Shri Parthasarathy:**

Will the Minister of **Finance** be pleased to state:

(a) whether any State Government have represented to the Central Government to give increased share of Central excise duties in proportion to the increased collection in that State; and

(b) if so, the reaction of the Government thereto?

Consortium for Designing and Supply of Fertilizer Plants

*1575. **Shri D. N. Patodia:**
Shri R. Barua:
Shri D. C. Sharma:

Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) whether it is a fact that the Chemicals Plant and Machinery Association of India is taking an initiative to form a consortium consisting of the Chemical Plant manufacturers, the Fertilizers Corporation of India and the Fertiliser and Chemicals Travancore Ltd. to undertake the designing and supply of complete fertilizer plants on a turnkey basis;

(b) whether the said Association has submitted their plan to Government to constitute such a consortium; and

(c) if so, whether Government have considered their plan in this regard?

Krishna-Godavri Waters Dispute

*1576. **Shri D. C. Sharma:**
Shri George Fernandes:
Shri Madhu Limaye:
Shri S. M. Banerjee:
Shri M. N. Naghnoor:
Shri Anantrao Patil:
Shri Sonavane:
Shri Solanki:
Shri S. B. Patil:
Shri B. Shankranand:

Shri M. V. Rajashekharan:
Shri T. D. Dasappa:
Shri Hem Barua:
Dr. M. Santoshan:
Shri K. P. Singh Deo:
Shri S. P. Ramamoorthy:
Shri Y. G. Gowd:
Shri R. K. Amin:
Shri Jagannath Rao Joshi:
Shri A. Sreedharan:
Shri Mangalathumadom:
Shri Eswara Reddy:
Shri Raghuvir Singh Shastri:

Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the Maharashtra Government have decided to serve a legal notice on the Andhra Pradesh Government in connection with the utilisation of the Krishna-Godavri waters by Andhra Pradesh without the consent of the Maharashtra Government;

(b) if so, the reaction of Government thereto; and

(c) the action taken or proposed to be taken in the matter?

Family Planning Campaign in Delhi

***1577. Shri M. L. Sondhi:**

Will the Minister of **Health and Family Planning** be pleased to state:

(a) whether it is a fact that the Family Planning campaign in Delhi has failed to achieve the desired results;

(b) whether the main reasons for its failure are the lack of proper approach and inefficient and defective working of the Department where unmarried girls are employed for propaganda and that rural areas and slum dwellers are neglected; and

(c) whether it is proposed to go into the working of the Family Planning Department and amend its shortcomings?

Commissioner for Scheduled Castes and Scheduled Tribes

***1578. Shri A. K. Kisku:**
Shri P. R. Thakur:

Will the Minister of **Social Welfare** be pleased to state:

(a) whether any guiding principles have been laid down for the appointment to high and independent statutory office like that of the Commissioner for Scheduled Castes and Scheduled Tribes; and

(b) if so, what and whether they have been followed in the case of appointments to the Commissioner's Office made since 1962?

Code for Ayurvedic and Unani Practitioners

†*1579. Shri Prakash Vir Shastri:
Shri Y. S. Kushwah:
Shri Raghuvir Singh Shastri:
Shri Hukam Chand Kachwai:
Shri Ram Avtar Sharma:

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†Original notice of the question received in Hindi.

Shri Atam Das:
Shri Shiv Kumar Shastri:
Dr. Surya Prakash Puri:
Shri G. C. Dixit:

Will the Minister of **Health and Family Planning** be pleased to state:

(a) whether there is any proposal to frame a code incorporating rules for practising Ayurvedic and Unani systems of medicine;

(b) if so, when a final decision is likely to be taken thereon;

(c) whether Ayurvedic and Unani practitioners have also been consulted in regard to the said Code of conduct; and

(d) if so, their reaction in this regard?

Government Accommodation Occupied by Ex-M.Ps.

***1581. Shri Nitiraj Singh Chaudhary:**

Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to Starred Question No. 67 on the 25th May, 1967 and state:

(a) how many of 37 *ex*-M.Ps. defeated in the last Elections have so far vacated their quarters;

(b) how many other *ex*-M.Ps. who were defeated earlier are still in occupation of the quarters allotted to them as M.Ps.;

(c) the further steps that are being taken to get the quarters vacated; and

(d) whether private bungalows are proposed to be hired by Government for allotment to new M.Ps. in lieu of unauthorised occupation by *ex*-M.Ps.?

Safety Margin in C.P.W.D. Constructions

***1580. Shri Jyotirmoy Basu:**

Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the safety margin observed in Central Public Works Department constructions;

(b) whether it is considered too high; and

(c) whether the Government propose to consider to change the schedule and specifications as a economy measure?

Loan from U.K.

***1582. Shri Marandi:**
Shri Virendrakumar Shah:
Shri Atam Das:
Dr. Surya Prakash Puri:
Shri Raghuvir Singh Shastri:
Shri Prakash Vir Shastri:
Shri O. P. Tyagi:
Shri Y. S. Kushwah:
Shri Shiv Kumar Shastri:
Shri Ram Avtar Sharma:
Shri D. N. Deb:
Shri R. R. Singh Deo:
Shri D. Amat:

Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that an agreement between India and Britain

has been sought for providing £12m loan to India;

(b) if so, in what way this loan will be utilised; and

(c) how far it will help Government of its foreign exchange crisis?

Raising of Prices by Public Undertakings

*1583. **Shri Sequeria:**
Shri A. Sreedharan:
Shri Kameshwar Singh:

Will the Minister of **Finance** be pleased to state the commodities or services in the Public Sector Undertakings in which the prices have been raised since the Fourth Lok Sabha was formed and the percentage of rise in each case?

Recovery of Income-Tax from M/s. Aminchand Pyarelal Group of Firms

1584. **Shri Madhu Limaye:**
Dr. Ram Manohar Lohia:
Shri S. M. Banerjee:
Shri George Fernandes:

Will the Minister of **Finance** be pleased to refer to the reply given to Unstarred Question No. 417 on the 3rd November, 1966 and state:

(a) the reasons for not imposing Penalty/fine on M/s. Aminchand Pyarelal for evading taxes during the period 1951—59 when the firm was progressively reducing its payment of tax with the help of the Income-tax Officers;

(b) whether any enquiry has been held/action taken against the Officers who assessed the firm so lightly and on the law side without investigating the unusual reduction in the assessment of the firm from Rs. 9,13,058/- in 1952-53 to Rs. 1,28,965/- in 1957-58; and

(c) if so, the results of this enquiry?

Krishna-Godavari Waters Dispute

*1585. **Shri Vishwa Nath Pandey:**
Shri D. C. Sharma:

Will the Minister of **Irrigation and Power** be pleased to refer to the reply given to Starred Question No. 386 on the 8th June, 1967 and state:

(a) whether the dispute about the Krishna-Godaveri waters has been settled between the Governments of Andhra Pradesh, Mysore and Maharashtra;

(b) if so, the details thereof; and

(c) if not, the reasons for the delay?

Draft.

D.O.No.PWD 15 BRA.67

Dear Shri Shivappa,

Sub:-Sharing of Krishna and Godavari waters.

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~~Kindly peruse the Note enclosed.~~

I propose to discuss the latest position with regard to the sharing of Krishna and Godavari waters with you and other Leaders of the opposition on ~~2nd~~ 6th December 1967 at ~~3-00~~ 4.00 P.M. in my chambers at Vidhana Soudha.

I request you to kindly make it convenient to attend the ~~same~~ meeting.

x. I am writing to the Chief Ministers of ~~to whom I have addressed separately inviting them to attend~~ the meeting ~~and~~ I enclose a ~~copy~~ list of ~~the~~ persons ~~who are~~ invited to attend the meeting.

*. You may also request ~~execute~~ any other members ~~of the~~ to attend the meeting who would like to participate in the discussions, ~~I shall be obliged for the same.~~

However.

Yours

(MINISTER, PW&POWER)

To

Sri Shivappa, M.L.A., ~~(P.S.P.)~~

Leader of the Opposition

Brief Note on the

~~MEMORANDUM ON THE EARLY SETTLEMENT~~
OF KRISHNA-GODAVARI WATERS, DISPUTE.

In 1951, the Planning Commission convened an Inter-State Conference of States for selecting projects to the First Five Year Plan in the Krishna and Godavari Basins. A Memorandum of allocations of water was issued by the Planning Commission. The allocations made therein for Mysore State were inequitable and this Memorandum was not ratified by the Mysore State

2. After the States Re-organisation in 1956 an attempt was made by the Central Water and Power Commission for readjustment of the 1951 allocation of waters on the basis of the altered geographical boundaries. An Inter-State Conference was held in this regard in September 1960 under the Ministry of Irrigation and Power. No agreement could be reached and it was contended by all States except Andhra Pradesh that the 1951 allocations were inequitable and denovo allocations on equitable principles should be immediately made.

3. In May 1961, the Government of India appointed a Technical Commission, viz., Gulhati Commission to report on the availability of waters and the requirements of the various States from the Krishna and Godavari rivers. Based on the report of this Commission, the Union Minister for Irrigation and Power announced in Lok Sabha on 23rd March 1963 that during the Third, Fourth and Fifth Five Year Plans i.e., upto 1976, the requirements of Krishna waters was 600 T.M.C.Ft. in Mysore, 400 T.M.Cft. in Maharashtra and 800 T.M.C.ft in Andhra Pradesh . These interim allocations made were absolutely inadequate for the requirements of Mysore State and it has been contended by the Government of Mysore that it should be increased considerably based on equitable principles inspite of the scarcity need of the scarcity areas in the basin

4. In June 1966, a Meeting of the Union Minister for Irrigation and Power and the Chief Minister of Mysore was held at Bangalore, to discuss the question of sharing of the Krishna Waters and it was assured by the Union Minister for Irrigation and Power that the same would be solved very early.

.....p.t.o.

5. In January 1962, the Government of Mysore urged the Government of India that this matter has to be referred to a Tribunal for adjudication under the Inter - State Waters Disputes Act 1956. But this request of the State Government has not been acted upon, on the plea that such a reference to a Tribunal can be made only when the Government of India comes to the conclusion that this problem could not be solved by mutual discussions. Even though more than five years have elapsed since this Government sought for the appointment of a Tribunal, the problem has not been solved yet.

6. It is observed that taking up of Nagarjunasagar Project Stage II is being actively worked up by the Ministry of Irrigation and Power under the cloak of providing spillway gates to Nagarjunasagar Project Stage I. This is clearly against the declared verdict of the Government of India that Nagarjunasagar Stage II would be considered for clearance only after the diversion of Godavari waters into the Krishna basin is finalised. It is also seen that this work of investigation of diversion of Godavari waters to Krishna basin is going on very slowly and there appears to be no immediate prospects of finalising the issue.

7. It is apprehended that the Government of India may accept the installation of the spillway gates to the Nagarjunasagar Stage I. Unless the main issue of sharing Krishna and Godavari waters is settled the recent developments may eventually create vested interests by way of prescriptive rights and the State of Mysore would ~~be left to~~ loose permanently its legitimate share of water which is needed for the chronically affected area.

8. The utilisation of the Krishna waters is required essentially for the development of the vast scarcity affected areas in Mysore State. It has been therefore strongly urged by the Govt. ~~as, the Members of the Parliament~~, that immediate action be taken for the appointment of a Tribunal under the Inter-State Water Disputes Act 1956 for the adjudication of Krishna and Godavari waters dispute.

ACA/

Since neither the question of sharing of Krishna Godavari waters had ~~not~~ been solved ~~and since~~ the Govt. of India ~~had not~~ appointed any tribunal for adjudication as requested by the Govt. of Mysore in January 1962. The Govt. of India was ~~therefore~~ urged in July 1967 that the matter may be solved within three months or else, the matter be referred to a Tribunal as requested earlier by the State Govt.

~~The~~ A strong protest ~~was~~ also made ~~by~~ the Govt. of India against the move made by ~~the~~ Andhra Pradesh in placing orders for the manufacture and erection of crest-gates on the spillway of the Nagarjunasagar Dam, which was a part of the Nagarjunasagar Stage-II and would be taken up only after the quantum of diversion of Godavari ~~&~~ Krishna was finalised. Consequent to this, ~~Possibly~~ a Meeting of the three Chief Ministers was held by the Prime Minister in August 1967. The entire history of the dispute was explained to the Prime Minister in this Meeting. Subsequently, ~~there was again~~ another Meeting of the three Chief Ministers was held at Delhi with the Prime Minister in October 1967. During this Meeting it was made clear by the Chairman, C.W. & P.C. that the crest gates of Nagarjunasagar did not form part of the Stage-I of Nagarjunasagar Project. The Chief Minister of Andhra Pradesh maintained that the erection of the crest-gates was entirely within the purview of the State Govt. and that the matter was only between his State and the Central Govt. and that other States had nothing to do with this issue. X It was also impressed upon the Prime Minister that ~~this will issue~~ the problem of sharing of Krishna and Godavari waters will have to be resolved ~~only~~ by referring the matter to a Tribunal under the Inter-state/Water Dispute Act ~~and~~ at the earliest. It was ~~also~~ intimated during the Meeting by Chairman CWPC that studies were in progress at the Poona Research Station for

p.t.o.

X. Point the argument of A.P was accepted Strongly as final allocation of K. Waters had not been made after Andhra had made the temporary allocation obtained more quantity of water than it was due to them under every principle of equity & fair share

Reconstruct-
~~ascertain~~ the yields at Vijayawada Anicut and that these studies may take ~~and other~~ two to three months for completion. No final conclusions were reached in this Meeting.

Under the circumstances, ~~the~~ Govt. of India ~~may be~~ requested to issue immediate instructions to Andhra Pradesh prohibiting further action on the installation of the crest-gates. ~~and since~~ the studies ~~being~~ conducted at the Research Station in Poona will take atleast six months or more and since the Andhra Pradesh is already going ahead with the preliminaries required for the erection of the crest gates, the question of sharing of waters cannot be postponed any further and will have to be settled immediately, ~~and that~~ the matter may be referred to a Tribunal as already requested by the State Govt. without any more delay.

Draft

D.O.No.PWD 16 BRA.67

Dear Shri Shivappa,

Sub:- Sharing of Krishna and Godavari waters.

I propose to discuss the latest position with regard to the sharing of Krishna and Godavari waters with you and other Leaders of the Opposition on 6th December 1967 at 4.00 P.M. in my chambers at Vidhana Soudha. I request you to kindly make it convenient to attend the meeting. I am inviting the following members to attend the meeting.

1. Sri. J.B. Mallaradhya, MLA (Independent)
2. Sri. M.C.Narasimhan, MLC (C.P.I.)
3. Sri. S. Channaiah, MLA (Janatha Paksha)
4. H.B.Jwalanaiah, MLA (Swatantra)
5. S.R.Bommai, MLA (L.S.S)
6. S.S. Shettar, MLA (Janasangha)

However, if you desire you may also request any other members to attend the meeting who would like to participate in the discussion.

Yours

(MINISTER, PW&POWER)

To

Sri. S. Shivappa, M.L.A.,
Leader of the Opposition

19

November, 7

D.O.No.PWD.15.BRA.67.

Dear Shri Shivappa,

Sub:- Sharing of Krishna & Godavari waters.

I propose to discuss the latest position with regard to the sharing of Krishna & Godavari waters with you and other Leaders of the Opposition on 6th December 1967 at 4.00 P.M. in my chambers at Vidhana Soudha. I request you to kindly make it convenient to attend the meeting. I am inviting the following members to attend the meeting:

1. Shri J.B.Mallaradhya, M.L.C., (Independent);
2. " M.C.Narasimhan, M.L.C., (C.P.I.);
3. " S.Channaiah, M.L.A., (Janatha Paksha);
4. " H.B.Jwalanaiah, M.L.A., (Swatantra);
5. " S.R.Bommai, M.L.A., (L.S.S.) &
6. " S.S.Shettar, M.L.A., (Janasangha).

However, if you desire you may also request any other members to attend the meeting who would like to participate in the discussion.

With kind regards,

Yours sincerely,

(Veerendra Patil)

Shri S.Shivappa, M.L.A.,
Leader of the Opposition,
Vidhana Soudha,
Bangalore.

Delivered by hand to Office
27.11.67

18(a)

Draft.

D.O.No.PWD 15 BRA.67

Dear Shri

Sub:-Sharing of Krishna and Godavari waters.

--

~~Kindly peruse the Note enclosed~~

I propose to discuss the latest position with regard to the sharing of Krishra and Godavari water with you and other Leaders of the opposition on (2nd December 1967 at 3-00 P.M.) in my chambers at Vidhana Soudha. I request you to kindly make it convenient to attend the same.

6.12.67 4 pm ?

Yours

C M Desai

(MINISTER,PW&POWER)

1. Secretary, Congress Legislature Party Vidhana Soudha Bangalore.

Sri.

2. J.B.Mallaradhya,MLA.(Independent)
3. M.C.Narasimhan,MLC. C.P.I.
4. S.Channaiah,MLA.,(Janath Paksha)
~~4. H.Siddaveerappa,MLA.~~ Independent.
5. H.B.Jwalanaiah,MLA.,(Swatantra)
6. Bommai,S.R.MLA.,(L.S.S)
7. S.S.Shettar,MLA.,(Janasangha)

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VEERENDRA PATIL, B.A.,LL.B.
MINISTER FOR PUBLIC WORKS

VIDHANA SOUDHA
BANGALORE

19

Dated.....November,.....1967

D.O.No.PWD.15.MMA.67.

Dear Shri

Subject:- Sharing of Krishna and Godavari waters.

I propose to discuss the latest positionwith regard to the sharing of Krishna & Godavari waters with you and other Leaders of the Opposition on 6th December 1967 at 4.00 P.M. in my chambers at Vidhana Soudha. I request you to kindly make it convenient to attend the same.

With kind regards,

Yours sincerely,

V. Patil
23/11

(Veerendra Patil)

Speaker Legislative Assembly.

1.The Secy., Congress Legislature Party;
2.Shri J.B.Mallaradhya, MLC.,
3. " M.C.Narasimhan, MLC.,
4. " S.Channaiah, MLA.,
5. " H.B.Jwalanaiah, MLA.,
6. " Bommai, S.R., MLA.,
7. " S.S.Shettar, MLA.

Despatched by Dorai Singh
23.11.67

Sri Aravind.

" Gopala Gowda

20

November, 7

D.O.No.PWD.15.BRA.67.

Subject: Sharing of Krishna & Godavari Waters.

I have invited the Secretary, Congress Legislature Party and the Leaders of Opposition in the Assembly for a discussion on the latest position with regard to the sharing of Krishna and Godavari waters in my chambers on 6th December 1967 at 4 P.M.

I would be obliged if you could kindly make it convenient to participate in the meeting.

With kind regards,

Yours

V. Patil 23/11

(Veerendra Patil)

Issued on 23/11

Shri B.Vaikunta Baliga,
Hon'ble Speaker,
Mysore Legisalative Assembly,
Bangalore.

Draft.

To

1. The Advocate General,
   Bangalore.

2. Law Secretary,
   Vidhana Soudha, Bangalore.

Sir,

Sub:-Sharing of Krishna-Godavari waters.

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I am desired to inform you that a meeting is proposed to be held in the chambers of the Minister, PWD. at Vidhana Soudha, on 6.12.67 at 4 p.m. to discuss the matters relating to sharing of Krishna-Godavari waters. The Secretary, Congress Legislature Party, Leaders of the Opposition Party in the Assembly are invited to participate in the discussion. Hence I request you kindly to make it convenient to attend the meeting.

Issued 28/11/67

Yours sincerely,

27/11/67

D.S.I.

(22)

PWD 15 BRA 67

27th Nov. 7

The
Public Works & Elecoty. Dept.

1. The Advocate-General, Bangalore. ✓
2. The Secretary to Govt., Law Dept. ✓

Sir,

Sub:- Sharing of Krishna-Godavari waters.

I am desired to inform you that a Meeting is proposed to be held in the Chambers of the Minister for Public Works and Power at Vidhana Soudha, on 6-12-1967 at 4-00 P.M. to discuss the matters relating to sharing of Krishna-Godavari waters. The Secretary, Congress Legislature Party, Leaders of the Opposition Party in the Assembly are invited to participate in the discussion. Hence I request you kindly to make it convenient to attend the Meeting.

Yours faithfully,

27/11/67

(M. Channappa)
Deputy Secretary to Government,
P.W.D. (Irrigation).

2-11-67

en/

Draft.

23

No.PWD 15 BRA 67

To

1. The Chief Engr. Irrgn.(South), Bangalore.
2. -do- (North), Dharwar.
3. -do- Investigation of Hydro-Electric and Irrigation Projects, Bangalore.

Sir,

Sub:- Sharing of Krishna Godavari waters.

I am directed to inform you that a Meeting is proposed to be held in the Chambers of the Minister for Public Works and Power at Vidhana Soudha on 6-12-1967 at 4-00 P.M. to discuss the matters relating to the sharing of Krishna Godavari waters with the Secretary, Congress Legislature Party and the Leaders of the Opposition Party in the Assembly. You are therefore to requested to kindly making it convenient to attend that Meeting.

Yours faithfully,

30/11/67

D.S., P.W.D.(Irrigation).

GOVERNMENT OF MYSORE

No. PWD 15 BRA 67

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

FROM

Dated, Bangalore, 30th Nov. 1967.

The *Secretary to the Government of Mysore,*
Public Works & Electy. Dept.

To

1. The Chief Engineer, Irrigation (South), Bangalore.
2. -do- (North), Dharwar.
3. -do- Investigation of Hydro-Electric and Irrigation Projects, Bangalore.

Sir,

Sub:- Sharing of Krishna-Godavari waters.

I am directed to inform you that a Meeting is proposed to be held in the Chambers of the Minister for Public Works and Power at Vidhana Soudha on 6-12-1967 at 4-00 P.M. to discuss the matters relating to the sharing of Krishna-Godavari waters with the Secretary, Congress Legislature Party and the Leaders of the Opposition Party in the Assembly. You are therefore to requested to kindly make it convenient to attend that Meeting.

Yours faithfully,

M Channappa 30/11/67

(M. Channappa)
Deputy Secretary to Government,
P.W.D. (Irrigation).

Issued
Dated 30.11.67

on/

BRIEF NOTE ON THE KRISHNA-GODAVARI WATERS, DISPUTE.

In 1951, the Planning Commission convened an Inter-State Conference of States for selecting projects to the First Five Year Plan in the Krishna and Godavari Basins. AMemorandum of allocations of water was issued by the Planning Commission. The allocations made therein for Mysore State were inequitable and this Memorandum was not ratified by the Mysore State.

2. After the States Re-organisation in 1956 an attempt was made by the Central Water and Power Commission for readjustment of the 1951 allocation of waters on the basis of the altered geographical boundaries. An Inter-State Conference was held in this regard in September 1960 under the auspices of the Ministry of Irrigation and Power. No agreement could be reached and it was contended by all States except Andhra - Pradesh that the 1951 allocations were inequitable and denovo allocations on equitable principles should be immediately made.

3. In May 1961, the Government of India appointed a Technical Commission, viz., Gulhati Commission to report on the availability of Waters and the requirements of the various States from the Krishna and Godavari rivers. Based on the report of this Commission, the Union Minister for Irrigation and Power announced in Lok Sabha on 23rd March 1963 that during the Third, Fourth and Fifth Five Year Plans, i.e., upto 1976, the requirements of Krishna waters was 600 T.M.Cft. in Mysore, 400 T.M.Cft. in Maharashtra and 800 T.M.Cft. in Andhra Pradesh. These interim allocations made were absolutely inadequate for the requirements of Mysore State and it has been contended by the Govt. of Mysore that it should be increased considerably based on equitable principles irrigable

p.t.o.

area in the basin and needs of the scarcity areas in the basin. It was also concluded that the allocations proposed for A.P were very much on the high side & that it should be reduced to 600, as the areas outside the basin should not be served out of the basin as a case

4. In June 1966, a Meeting of the Union Minister for Irrigation and Power and the Chief Minister of Mysore was held at Bangalore, to discuss the question of sharing of the Krishna Waters and it was assured by the Union Minister for Irrigation and Power that the same would be solved very early.

5. In January 1962, the Government of Mysore urged the Government of India that this matter has to be referred to a Tribunal for adjudication under the Inter-State Waters Disputes Act 1956. But this request of the State Government has not been acted upon, on the plea that such a reference to a Tribunal can be made only when the Government of India come to the conclusion that this problem could not be solved by mutual discussions. Even though more than five years have elapsed since this Government sought for the appointment of a Tribunal, the problem has not been solved yet.

6. It is observed that taking up of Nagarjunasagar Project Stage II is being actively worked up by the Ministry of Irrigation and Power under the cloak of providing spillway gates to Nagarjunasagar Project Stage-I. This is clearly against the declared verdict of the Government of India that Nagarjunasagar Stage-II would be considered for clearance only after the diversion of Godavari waters into the Krishna basin is finalised. It is also seen that this work of investigation of diversion of Godavari waters to Krishna basin is going on very slowly and therefore there appears to be no immediate prospects of finalising the issue.

7. It is apprehended that the Government of India may accept the installation of the spillway gates to the Nagarjunasagar Stage-I. Unless the main issue of sharing Krishna and Godavari waters is settled the

(Contd...3)

the recent developments may eventually create vested interests by way of prescriptive rights and the State of Mysore would loose permanently its legitimate share of water which is needed for the chronically affected area

7-8. The utilisation of the Krishna waters is required essentially for the development of the vast scarcity affected areas in Mysore State. It has therefore been strongly urged by the Govt., that immediate action be taken for the appointment of a Tribunal under the Inter-State Water Disputes Act 1956 for the adjudication of Krishna and Godavari waters dispute.

8-9. Since neither the question of sharing of Krishna - Godavari waters had been solved nor had the Government of India appointed any tribunal for adjudication as requested by the Government of Mysore in January 1962. The Govt. of India was urged in July 1967 that the matter may be solved within three months or else, the matter be referred to a Tribunal as requested earlier by the State Govt.

9 10. A strong protest was also made to the Govt. of India against the move made by Andhra Pradesh in placing orders for the manufacture and erection of crest-gates on the spillway of the Nagarjunasagar Dam, which was a part of the Nagarjunasagar Stage-II and could be taken up only after the quantum of diversion of Godavari to Krishna was finalised. Consequent to this, a Meeting of the three Chief Ministers was held by the Prime Minister in August 1967. The entire history of the dispute was explained to the Prime Minister in this Meeting. Subsequently, another Meeting of the three Chief Ministers was held at Delhi with the Prime Minister in October 1967. During this Meeting it was made clear by the Chairman, C.W.& P.C. that the crest gates of Nagarjunasagar did not form part of the Stage-I of Nagarjunasagar Project. The Chief - Minister of Andhra Pradesh maintained that the erection of the crest-gates was entirely within the purview of the

(Contd.....4)

State Govt. and that the matter was only between his State and the Central Govt. and that other States had nothing to do with this issue. But this argument of Andhra Pradesh was refuted strongly as final allocation of Krishna-Godavari waters had not been made and Andhra had under the temporary allocation obtained more quantity of water than it was due to them under every principle of equity and fair share. It was also impressed upon the Prime Minister that the problem of sharing of Krishna - Godavari waters will have to be resolved only by referring the matter to a Tribunal under the Inter-State Water Dispute Act at the earliest. It was intimated during the Meeting by Chairman, C.W. & P.C. that studies were in progress at the Poona Research Station for reconstructing the yields at Vijayawada Anicut and that these studies may take about two to three months for completion. No final conclusions were reached in this Meeting.

10 Under the circumstances, Govt. of India has been requested to issue immediate instructions to Andhra Pradesh prohibiting further action on the installation of the crest-gates. Further as the studies proposed to be conducted at the Research Station in Poona will take atleast six months or more and since the Andhra Pradesh is already going ahead with the preliminaries required for the erection of the crest gates, the question of sharing of waters cannot be postponed any further and will have to be settled immediately. It has been again stressed that the matter may be referred to a Tribunal as already requested by the State Govt. without any more delay. There has been no reply in this regards so far.

11 The Law Department ~~have been~~ was consulted ~~with regards~~ about to the legal implications involved in the various issues connected with the sharing of Krishna - Godavari waters. The ~~questions~~ Points referred to the Law Department ~~have their opinion and the reply received from them~~ are detailed below:

1) The legal implications of the 1951 Inter State Conference and the allocation of Krishna - Godavari waters among the various States, its binding nature on the concerned States;

2) Legal implications of the statement of the Union Minister for Irrigation and Power, made on the floor of the Lok Sabha in 1963, wherein certain tentative allocations of water amongst Maharashtra, Mysore and Andhra Pradesh were made,

3) In view of the non-finalisation of the allocation of Krishna - Godavari waters and the issue connected there on by the Government of India; whether this Government can seek relief to in a Court of Law -- if so, the action to be taken with or without reference to the Inter State Water Disputes Act;

4) The implications involved in an undertaking if given by the Government of Andhra Pradesh to the effect that the extra waters to be used by the ~~irrigation~~ installation of the crest gates at Nagarjunasagar would revert to the Upper States once the upper projects are completed and start utilisation; and

5) Whether we can go ahead with the construction of our irrigation projects without waiting ~~any~~ for technical clearance from Government of India or the Planning Commission.

12 The replies furnished to the above in seriatum are as below:

1) The 1951 agreement cannot in Law be regarded as an agreement or award or even an arrangement because the Planning Commission had no authority and was not competent to

negotiate and the State has not concurred in or ratified the ~~permits~~ terms;

2) Beyond the statement made by the Union Minister for Irrigation and Power on the floor of the Lak Sabha there have been no directions to the State Government that they should follow the allocations made to the different States as per that statement. No doubt the States have proceeded with the construction of works on the tentative basis but this will not amount to acceptance of the allocation made in the statement as final or that there is no dispute between the States with regards to the ~~State~~ allocations and if any dispute exists that will have to be solved in a legal manner;

3) The right to have a water dispute referred to a tribunal is not absolute, but is dependent on the opinion formed by the Central Government whether the matter can be settled by negotiations or not. But that opinion must be capable of being supported on objective grounds for the Union Government can not refuse to refer the dispute to a Tribunal if all attempts at negotiations have failed, and when the concerned States adhere to diametrically opposite views. If the negotiations have failed or if there is no possibility of agreeing by negotiations the opinion adhered to by different States, then the Central Government has no option, but to refer the matter in dispute under Section 4 to the Tribunal for adjudication. If the circumstances referred to above exists this attitude of the Central Government to carry out the provisions of the Act can be enforced by a Writ of mandamus, but before the Writ of mandamus is sought, an application in the prescribed form must be made in accordance with the provisions of the Act and if there is a failure on the part of the Government to refer the matter before the Tribunal for adjudication within a reasonable time then only or if there is an order of refusal by the Central Government to so refer to it then a Writ of mandamus may be

filed. As the Supreme Court's jurisdiction is taken away under the provisions of the Act referred to above, suit cannot be instituted in the Supreme Court.

4) If the Andhra Government should be allowed to make use of such water instead of allowing such water to go waste and ~~therefore~~ that Government should be permitted to utilise the water till such time as the State uses water of the Upper ~~xxx~~ reaches --- this is not a legal matter, but a matter for policy decision. Whether such a tentative arrangement should be made is a matter for all the States concerned for joint deliberations. The tentative arrangement will come to an end the moment the conditions mentioned therein are fulfilled. Such tentative arrangement will not create legal rights other than what the arrangement gives. If the arrangement says it will come to an end on the happening of certain contingencies or the happening of certain events, that arrangement cannot be set up for the creation of legal rights after the termination of the agreement. The origin of the right coferred by the agreement is known because that is the agreement itself. Anything done in pursuance of the agreement cannot be set up as creating rights after the termination of the agreement ~~xxx~~ other than the terms of the agreement either by prescription or otherwise. If the ryots ~~xxxxx~~ are given more water tentatively for a period, such giving of water must be made clear as it is being given as a permissive measure and such of those ryots who want to take benefit of the scheme may do so. Such an utilisation will not clothe them with any legal right and there cannot be any acquisition of such rights by prescription. If after the termination of the agreement one State does not strictly adhere to the terms and give up the rights tentativel given under the agreement then undoubtedly there will be breach of the agreement and such breach will give rise to a course of action to the other States. Such disputes have got to be decided in the manner provided by the Constitution. The

aggrieved State will have to move the Central Government for referring the matter to a tribunal --- A large number of ryots might have improved their lands to use extra water though they may not have a legal right for the continuance of supply of water after the expiry of the agreement, They may agitate for the continuance of the public supply of water in the interest. They may even move the Parliament to take action under Entry 56 of the List-I of the Seventh Schedule of the Constitution Viz., Regulation and Development of Inter State Rivers and River Valleys. --- Whatever may be the legal rights of the State to enforce its rights in the manner suggested above for breach of the agreement by one State, if things are allowed to be done such course of conduct might give rise to such different situations which though not cloth any parties with legal rights may give rise to the Parliament taking action and this negativing legal rights;

5) In case any State fails to comply with the advise of the Planning Commission in regard to the projects affecting Inter State rivers the Central Government may (1) issue executive directions, or (2) initiate appropriate legislation, or (3) as an extreme measure when the directions are not complied with proceed under Article 356 of the Constitution treating the non-compliance as a failure of Constitution machinery in the State.